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EXAMINER
BOKHARI, SYED M

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/721,998	OKURA, HIROTSUGU
	Examiner	Art Unit	
	SYED BOKHARI	2616	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _27 February 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant amendment filed on February 27th, 2008 has been entered. Claims 1,

5, 11 and 15 have been amended. Claims 1-16 are pending in the application.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

4.   Claims 1-3, 5-7, 9-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jayaraman et al. (US 2003/0210694 A1) and Yoshizawa et al. (US

2003/0084186).

Jayaraman et al. discloses a communication system for content routing

architecture for enhanced internet services with the following features: regarding

claim 1, a packet transmission apparatus comprising (Fig. 4, intelligent content routing

network, see "routing data packets within the network" recited in paragraph 0076 lines

1-4, paragraph 0077 line 1 and paragraph 0078 lines 1-2), an extraction unit which

extracts information from a stream packet to be sent to a terminal (Fig. 6, system

architecture of designed intelligent content based router, see " capture and extraction

units" recited in paragraph 0157 lines 1-7), information indicating a location where an

individual program for performing a specific process on the stream is stored (Fig. 6,

system architecture of designed intelligent content based router, see " locate the server

address and form data location table" recited in paragraph 0118 lines 9-14); regarding

claim 5, a packet transmission apparatus comprising (Fig. 4, intelligent content routing

network, see "routing data packets within the network" recited in paragraph 0076 lines

1-4, paragraph 0077 line 1 and paragraph 0078 lines 1-2), an extraction unit which

extracts information from a stream packet to be sent to a terminal (Fig. 6, system

architecture of designed intelligent content based router, see " capture and extraction

units" recited in paragraph 0157 lines 1-7) and the information indicating a characteristic

of the stream data (Fig. 6, system architecture of designed intelligent content based

router, see " locate the server address and form data location table" recited in

paragraph 0118 lines 9-14); regarding claim 9, further comprising a switch unit which

selects from the storage an individual program for converting the packet in accordance

with a processing capacity of the terminal (Fig. 6, system architecture of designed

intelligent content based router, see " switching unit" recited in paragraph 0160 lines 1-

9); regarding claim 11, a program obtainment method comprising (Fig. 4, intelligent

content routing network, see "routing data packets within the network" recited in

paragraph 0076 lines 1-4, paragraph 0077 line 1 and paragraph 0078 lines 1-2),

extracting information from a stream packet to be sent to a terminal (Fig. 6, system

architecture of designed intelligent content based router, see " capture and extraction

units" recited in paragraph 0157 lines 1-7) and information indicating a location where

an individual program for performing a specific process on the stream is stored (Fig. 6,

system architecture of designed intelligent content based router, see " locate the server

address and form data location table" recited in paragraph 0118 lines 9-14) and

regarding claim 14, A program obtainment method comprising (Fig. 4, intelligent content

routing network, see "routing data packets within the network" recited in paragraph 0076

lines 1-4, paragraph 0077 line 1 and paragraph 0078 lines 1-2), extracting information

from a stream packet to be sent to a terminal (Fig. 6, system architecture of designed

intelligent content based router, see " capture and extraction units" recited in paragraph

0157 lines 1-7) and information indicating a characteristic of the stream data (Fig. 6,

system architecture of designed intelligent content based router, see " locate the server

address and form data location table" recited in paragraph 0118 lines 9-14).

Jayaraman et al. does not disclose the following features: regarding claim 1, a

download unit which downloads the individual program from the location, a storage

which stores the downloaded individual program and an execution unit which executes

the individual program by incorporating the individual program into a packet processing

on the stream; regarding claim 2, further comprising a switch unit which provides the

execution unit with a switchover instruction to incorporate the individual program after

the download of the individual program is completed wherein the execution unit

performs a normal packet transmission processing on the stream until receiving the

switchover instruction; regarding claim 3, wherein the storage stores a preliminary

program and the switch unit provides the execution unit with a switchover instruction to

incorporate the preliminary program until the download of the individual program is

completed; regarding claim 5 a download unit which searches and downloads an

individual program suitable for the characteristic, a storage which stores the

downloaded individual program and an execution unit which executes the individual

program by incorporating the individual program into a packet processing on the stream;

regarding claim 6, further comprising a switch unit which provides the execution unit

with a switchover instruction to incorporate the individual program after the download of

the individual program is completed wherein the execution unit performs a normal

packet transmission processing on the stream until receiving the switchover instruction;

regarding claim 7, wherein the storage stores a preliminary program and the switch unit

provides the execution unit with a switchover instruction to incorporate the preliminary

program until the download of the individual program is completed; regarding claim 9,

provides the execution unit with a switchover instruction to incorporate the selected

individual program; regarding claim 10, further comprising a switch unit which selects

from the storage an individual program for converting the packet in accordance with a

wireless communication quality if the terminal connects by wireless, and provides the

execution unit with a switchover instruction to incorporate the selected individual

program; regarding claim 11, performing a normal packet transmission processing on

the stream, while the individual program is being downloaded from the location,

performing a packet processing continuously by incorporating the individual program

into the packet processing once the download of the individual program is completed;

regarding claim 12, further comprising storing a preliminary program beforehand and

performing the packet processing by incorporating the preliminary program until the

download of the individual program is completed; regarding claim 14 performing a

normal packet transmission processing on the stream, while the individual program

suitable for the characteristic is being downloaded and performing a packet processing

continuously by incorporating the individual program into the packet processing once

the download of the individual program is completed and regarding claim 15, further

comprising storing a preliminary program beforehand and performing the packet

processing by incorporating the preliminary program until the download of the individual

program is completed.

Yoshizawa et al. disclose a communication system for programmable network

router and switch: regarding claim 1, a download unit which downloads the individual

program from the location (Fig. 2, block diagram illustrating network device router or

switch, see "it involves the downloading of the program" recited in paragraph 0030 line

1-7), a storage which stores the downloaded individual program (Fig. 2, block diagram

illustrating network device router or switch, see "the physical location of the stored

program is transparent to API" recited in paragraph 0031 line 1-6) and an execution unit

which executes the individual program by incorporating the individual program into a

packet processing on the stream (Fig. 2, block diagram illustrating network device router

or switch, see "the stored program is being executed in packet processing" recited in

paragraph 0008 line 1-14); regarding claim 2, further comprising a switch unit which

provides the execution unit with a switchover instruction to incorporate the individual

program after the download of the individual program is completed (Fig. 2, block

diagram illustrating network device router or switch, see "the routers are used to switch

the video data from the sever 10 through network to the viewers" recited in paragraph

0014 line 1-10) wherein the execution unit performs a normal packet transmission

processing on the stream until receiving the switchover instruction (Fig. 2, block

diagram illustrating network device router or switch, see "this allows information from

data network to be forwarded on to data processing server for execution" recited in

paragraph 0019 line 11-17); regarding claim 3, wherein the storage stores a preliminary

program (Fig. 2, block diagram illustrating network device router or switch, see "flow

control table is stored within the device and maintains entries" recited in paragraph 0009

line 1-2) and the switch unit provides the execution unit with a switchover instruction to

incorporate the preliminary program until the download of the individual program is

completed (Fig. 2, block diagram illustrating network device router or switch, see "this

allows information from data network to be forwarded on to data processing server for

execution" recited in paragraph 0019 line 11-17); regarding claim 5 a download unit

which searches and downloads an individual program suitable for the characteristic

(Fig. 2, block diagram illustrating network device router or switch, see "it involves the

downloading of the program" recited in paragraph 0030 line 1-7), a storage which stores

the downloaded individual program (Fig. 2, block diagram illustrating network device

router or switch, see "the physical location of the stored program is transparent to API"

recited in paragraph 0031 line 1-6) and an execution unit which executes the individual

program by incorporating the individual program into a packet processing on the stream

(Fig. 2, block diagram illustrating network device router or switch, see "the stored

program is being executed in packet processing" recited in paragraph 0008 line 1-14);

regarding claim 6, further comprising a switch unit which provides the execution unit

with a switchover instruction to incorporate the individual program after the download of

the individual program is completed (Fig. 2, block diagram illustrating network device

router or switch, see "the routers are used to switch the video data from the sever 10

through network to the viewers" recited in paragraph 0014 line 1-10) wherein the

execution unit performs a normal packet transmission processing on the stream until

receiving the switchover instruction (Fig. 2, block diagram illustrating network device

router or switch, see "this allows information from data network to be forwarded on to

data processing server for execution" recited in paragraph 0019 line 11-17); regarding

claim 7, wherein the storage stores a preliminary program (Fig. 2, block diagram

illustrating network device router or switch, see "flow control table is stored within the

device and maintains entries" recited in paragraph 0009 line 1-2) and the switch unit

provides the execution unit with a switchover instruction to incorporate the preliminary

program until the download of the individual program is completed(Fig. 2, block diagram

illustrating network device router or switch, see "this allows information from data

network to be forwarded on to data processing server for execution" recited in

paragraph 0019 line 11-17); regarding claim 9, provides the execution unit with a

switchover instruction to incorporate the selected individual program (Fig. 2, block

diagram illustrating network device router or switch, see "the stored program is being

executed in packet processing" recited in paragraph 0008 line 1-14); regarding claim 10,

further comprising a switch unit which selects from the storage an individual program for

converting the packet in accordance with a wireless communication quality if the

terminal connects by wireless (Fig. 2, block diagram illustrating network device router or

switch, see "the stored program is being executed in packet processing" recited in

paragraph 0008 line 1-14), and provides the execution unit with a switchover instruction

to incorporate the selected individual program (Fig. 2, block diagram illustrating network

device router or switch, see "this allows information from data network to be forwarded

on to data processing server for execution" recited in paragraph 0019 line 11-17);

regarding claim 11, performing a normal packet transmission processing on the stream

(Fig. 2, block diagram illustrating network device router or switch, see "it involves the

downloading of the program" recited in paragraph 0030 line 1-7), while the individual

program is being downloaded from the location (Fig. 2, block diagram illustrating

network device router or switch, see "the physical location of the stored program is

transparent to API" recited in paragraph 0031 line 1-6), performing a packet processing

continuously by incorporating the individual program into the packet processing once

the download of the individual program is completed (Fig. 2, block diagram illustrating

network device router or switch, see "the stored program is being executed in packet

processing" recited in paragraph 0008 line 1-14); regarding claim 12, further comprising storing a preliminary program beforehand (Fig. 2, block diagram illustrating network device router or switch, see "flow control table is stored within the device and maintains entries" recited in paragraph 0009 line 1-2) and performing the packet processing by incorporating the preliminary program until the download of the individual program is completed (Fig. 2, block diagram illustrating network device router or switch, see "the stored program is being executed in packet processing" recited in paragraph 0008 line 1-14); regarding claim 14 performing a normal packet transmission processing on the stream (Fig. 2, block diagram illustrating network device router or switch, see "it involves the downloading of the program" recited in paragraph 0030 line 1-7), while the individual program suitable for the characteristic is being downloaded (Fig. 2, block diagram illustrating network device router or switch, see "the physical location of the stored program is transparent to API" recited in paragraph 0031 line 1-6) and performing a packet processing continuously by incorporating the individual program into the packet processing once the download of the individual program is completed (Fig. 2, block diagram illustrating network device router or switch, see "the stored program is being executed in packet processing" recited in paragraph 0008 line 1-14) and regarding claim 15, further comprising storing a preliminary program beforehand (Fig. 2, block diagram illustrating network device router or switch, see "flow control table is stored within the device and maintains entries" recited in paragraph 0009 line 1-2) and performing the packet processing by incorporating the preliminary program until the download of the individual program is completed (Fig. 2, block diagram illustrating

network device router or switch, see "the stored program is being executed in packet

processing" recited in paragraph 0008 line 1-14).

It would have been obvious to one of the ordinary skill in the art at the time of the

invention to modify the system of Jayaraman et al. by using the features, as taught by

Yoshizawa et al., in order to provide a download unit which downloads the individual

program from the location, a storage which stores the downloaded individual program

and an execution unit which executes the individual program by incorporating the

individual program into a packet processing on the stream, comprising a switch unit

which provides the execution unit with a switchover instruction to incorporate the

individual program after the download of the individual program is completed wherein

the execution unit performs a normal packet transmission processing on the stream until

receiving the switchover instruction, the storage stores a preliminary program and the

switch unit provides the execution unit with a switchover instruction to incorporate the

preliminary program until the download of the individual program is completed, provides

the execution unit with a switchover instruction to incorporate the selected individual

program; regarding claim 10, further comprising a switch unit which selects from the

storage an individual program for converting the packet in accordance with a wireless

communication quality if the terminal connects by wireless, and provides the execution

unit with a switchover instruction to incorporate the selected individual program, storing

a preliminary program beforehand and performing the packet processing by

incorporating the preliminary program until the download of the individual program is

completed. The motivation of using these functions is to enhance the system in a cost

effective manner.

5.   Claims 4, 8, 13 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jayaraman et al. (US 2003/0210694 A1) and Yoshizawa et al. (US

2003/0084186) as applied to claims 1, 5, 11 and 14 above, and further in view of Corey

(US 5,995,708).

        Jayaraman et al. and Yoshizawa et al. disclose claimed limitations as described

in paragraph 4 above. Jayaraman et al. disclose the following features: regarding

claim 4, wherein the storage stores the information, which indicates the location where

the individual program is stored, in association with the individual program (Fig. 6,

system architecture of designed intelligent content based router, see " resource

inspector" recited in paragraph 0118 lines 1-13); regarding claim 8, wherein the storage

stores the information, which indicates the characteristic of the stream data, in

association with the individual program (Fig. 6, system architecture of designed

intelligent content based router, see " resource inspector" recited in paragraph 0118

lines 1-13); regarding claim 13, further comprising storing the information, which

indicates the location where the individual program is stored, in association with the

individual program (Fig. 6, system architecture of designed intelligent content based

router, see " resource inspector" recited in paragraph 0118 lines 1-13) and regarding

claim 16, further comprising storing the information, which indicates the characteristic of

the stream data, in association with the individual program (Fig. 6, system architecture

of designed intelligent content based router, see " resource inspector" recited in

paragraph 0118 lines 1-13).

Jayaraman et al. and Yoshizawa et al. do not disclose the following features:

regarding claim 4, if the information extracted by the extraction unit, which indicates the

location where the individual program is stored, has been already stored in the storage,

the individual program is not downloaded once more and the packet processing is

performed using the individual program stored in the storage; regarding claim 8, if the

information extracted by the extraction unit, which indicates the characteristic of the

stream data, has been already stored in the storage, the packet processing using the

individual program stored in the storage is performed without downloading the individual

program; regarding claim 13, wherein if the information extracted by the extraction unit,

which indicates the location where the individual program is stored, has been already

stored, the individual program is not downloaded once more and the packet processing

is performed using the stored individual program and regarding claim 16, wherein if the

information extracted by the extraction unit, which indicates the characteristic of the

stream data, has been already stored, the individual program is not downloaded once

more and the packet processing is performed using the stored individual program.

Corey discloses a communication system for delivering programs based upon

program requests from remote viewing stations with the following features; regarding

claim 4 if the information extracted by the extraction unit, which indicates the location

where the individual program is stored, has been already stored in the storage, the

individual program is not downloaded once more (Fig. 1, delivering data to remote

viewing station, see "determining whether requested data is stored step 112" recited in

column 5 lines 11-16 and 22-26) and the packet processing is performed using the

individual program stored in the storage (Fig. 1, delivering data to remote viewing

station, see "the system control unit 218 downloads program and processing data for

transmission via network interface 216" recited in column 5 lines 60-67 and column 6

lines 1-3); regarding claim 8 if the information extracted by the extraction unit, which

indicates the characteristic of the stream data, has been already stored in the storage

(Fig. 1, delivering data to remote viewing station, see "determining whether requested

data is stored step 112" recited in column 5 lines 11-16 and 22-26), the packet

processing using the individual program stored in the storage is performed without

downloading the individual program (Fig. 1, delivering data to remote viewing station,

see "begins transmitting at step 118 before completing step 114" recited in column 5

lines 27-33); regarding claim 13, wherein if the information extracted by the extraction

unit, which indicates the location where the individual program is stored, has been

already stored, the individual program is not downloaded once more (Fig. 1, delivering

data to remote viewing station, see "determining whether requested data is stored step

112" recited in column 5 lines 11-16 and 22-26) and the packet processing is performed

using the stored individual program (Fig. 1, delivering data to remote viewing station,

see "the system control unit 218 downloads program and processing data for

transmission via network interface 216" recited in column 5 lines 60-67 and column 6

lines 1-3) and regarding claim 16, wherein if the information extracted by the extraction

unit, which indicates the characteristic of the stream data, has been already stored, the

individual program is not downloaded once more (Fig. 1, delivering data to remote

viewing station, see "determining whether requested data is stored step 112" recited in

column 5 lines 11-16 and 22-26) and the packet processing is performed using the

stored individual program (Fig. 1, delivering data to remote viewing station, see

"transmission of stored data from storage to remote stations" recited in column 4 lines

34-51) and the packet processing is performed using the stored individual program (Fig.

1, delivering data to remote viewing station, see "the system control unit 218 downloads

program and processing data for transmission via network interface 216" recited in

column 5 lines 60-67 and column 6 lines 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of

invention to modify the system of Jayaraman et al. with Yoshizawa et al. by using the

features, as taught by Corey, in order to provide if the information extracted by the

extraction unit, which indicates the location where the individual program is stored, has

been already stored in the storage, the individual program is not downloaded once more

and the packet processing is performed using the individual program stored in the

storage. The motivation of using these functions is to enhance the system in a cost

effective manner.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-16 have been considered but are

moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to SYED BOKHARI whose telephone number is (571)270-

3115. The examiner can normally be reached on Monday through Friday 8:00-17:00

Hrs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kwang B. Yao can be reached on (571) 272-3182. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Syed Bokhari/

Examiner, Art Unit 2616

5/27/2008

/Kwang B. Yao/

Supervisory Patent Examiner, Art Unit 2616